

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: KEVIN J. MEEK
BAKER BOTTS L.L.P.
2001 ROSS AVE., SUITE 600
DALLAS, TX 75201

DOCKETED

PCT

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing
(day/month/year)

05 OCT 2001

Applicant's or agent's file reference

066241.0115

REPLY DUE

within TWO months
from the above date of mailing

International application No.

PCT/US01/02096

International filing date (day/month/year)

22 JANUARY 2001

Priority date (day/month/year)

07 FEBRUARY 2000

International Patent Classification (IPC) or both national classification and IPC
IPC(7): G06F 9/50 and US Cl.: 707/4

Applicant

EPICREALM OPERATING INC.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 07 JUNE 2002

Name and mailing address of the IPEA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

DAVID JUNG

Telephone No. (703) 308-5262

WRITTEN OPINION

International application No.

PCT/US01/02096

I. Basis of the opinion

1. With regard to the **elements** of the international application: *

☒ the international application as originally filed

☒ the description:

pages 1-66, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

☒ the claims:

pages 67-78, as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

☒ the drawings:

pages 1-4, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

☒ the sequence listing part of the description:

pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

☒ the description, pages NONE
☒ the claims, Nos. NONE
☒ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)

Claims 1-52

YES

Claims NONE

NO

Inventive Step (IS)

Claims NONE

YES

Claims 1-52

NO

Industrial Applicability (IA)

Claims 1-52

YES

Claims NONE

NO

2. citations and explanations

Claims 1-52 lack an inventive step under PCT Article 33(3) as being obvious over Douglas (US Patent 5,857,188) and Jeske (US Patent 5,974,443) and Riddle (US Patent 5,857,189). See cited passages of these three references. These references make claims 1-52 obvious. Thus, claims 1-52 lack an inventive step under PCT Article 33(3).

----- NEW CITATIONS -----
US 5,974,443 A (JESKE) 26 OCTOBER 1999, see Abstract

US 5,857,189 A (RIDDLE) 05 JANUARY 1999, see Abstract

US 5,857,188 A (DOUGLAS) 05 JANUARY 1999, see Abstract

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Sheet 10

Continuation of: Boxes I - VIII

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.